

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

U.S. BANK NATIONAL
ASSOCIATION, as Trustee for
the LXS 2006 - 10N,

Plaintiff,

v.

WAYNE MAY, et al.,

Defendants.

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CIVIL ACTION NO. 13-4624 (MLC)

MEMORANDUM OPINION

THE MAGISTRATE JUDGE ordered the parties to show cause why the action should not be remanded to state court pursuant to 28 U.S.C. § 1447. (See *dk.* entry nos. 4, 19.) The plaintiff supports remand in response to the Magistrate Judge's inquiry. (See *dk.* entry nos. 22, 23.) The defendants Wayne May and Rosemarie Harrington-May oppose remand in response. (See *dk.* entry nos. 20, 21.) The Magistrate Judge then conducted oral argument. (See *dk.* entry no. 25.)

AS THE REMAND of an action to state court is an arguably dispositive matter, the Magistrate Judge addressed the matter in a Report and Recommendation entered June 11, 2014. See 28 U.S.C. § 636(b)(1)(B)-(C); Fed.R.Civ.P. 72(b)(1); L.Civ.R. 72.1(a)(2). The Magistrate Judge recommended that the action be remanded to state court. (See *dk.* entry no. 26.)

Any party to the action could have filed specific objections to the Magistrate Judge's Report and Recommendation, whereupon this Court would have conducted a de novo review. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2)-(3); L.Civ.R. 72.1(c)(2). By any measure, the time for filing such objections has expired; no objections have been filed. See 28 U.S.C. § 636(b)(1) (providing 14 days to object); Fed.R.Civ.P. 72(b)(2) (same); L.Civ.R. 72.1(c)(2) (same); see also Fed.R.Civ.P. 6(d) (providing additional three days to respond in certain instances); L.Civ.R. 5.2(5) (reiterating Federal Rule of Civil Procedure 6(d)); Fed.R.Civ.P. 6(a)(1) (directing, inter alia, (i) intermediate Saturdays and Sundays to be counted, and (ii) response period to be extended to next day that court is open if last day falls on Saturday or Sunday).

THIS COURT, upon reviewing the Report and Recommendation of the Magistrate Judge, accepts and agrees with the findings and recommendations in whole. For good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: July 1, 2014